

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TV-091665
	)	
Complainant,	)	ORDER 03
	)	
v.	)	ORDER DENYING PETITION
	)	FOR RECONSIDERATION;
ABIZER A. RAJ & AMAR S. DOSANJH	)	AFFIRMING FINAL ORDER
d/b/a A & A MOVING AND DELIVERY,	)	CANCELLING HOUSEHOLD
BARNOLI, INC., ANDY CHEN d/b/a	)	GOODS CARRIER PERMIT OF
HING'S PROFESSIONAL MOVING,	)	BARNOLI, INC.
MASKELYNE TRANSFER & STORAGE,	)	
INC., ORCA MOVING SYSTEMS, LLC,	)	
T & S TRANSPORTATION &	)	
INSTALLATION, INC., and T & T MILK	)	
TRANSPORT, INC.,	)	
	)	
Respondents.	)	
.....	)	

- 1     ***SYNOPSIS.*** *The Commission denies Barnoli, Inc.'s petition for reconsideration of Order 02, the Final Order in this proceeding. The Commission finds no basis for reconsideration, as the company does not claim that the decision was in error, but seeks reconsideration based on the company's and the owner's financial difficulties. The Final Order cancelling Barnoli, Inc.'s household goods carrier permit is affirmed.*
- 2     **NATURE OF THE PROCEEDING.** In this proceeding the Washington Utilities and Transportation Commission (Commission) filed a complaint against seven household goods carriers, requiring the companies to appear and show good cause why the Commission should not cancel their permits for failure to submit annual reports for 2008 and failure to pay regulatory fees for 2009.
- 3     **INITIAL ORDER.** Following notice to the carriers, and a hearing held on February 1, 2010, Administrative Law Judge Adam E. Torem entered an Initial Order, Order 01 in this proceeding, on February 3, 2010, proposing that the household goods carrier

permits of Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc. (Barnoli or the Company), Maskelyne Transfer & Storage, Inc. (Maskelyne), Orca Moving Systems, LLC, T & S Transportation & Installation, Inc. (T & S), and T & T Milk Transport, Inc., be revoked for failure to file an annual report and failure to comply with reporting and fee requirements. The Initial Order also recommended that the complaint be dismissed against Andy Chen d/b/a Hing's Professional Moving as the company complied with the requirements for filing annual reports and paying regulatory fees prior to the scheduled hearing.

- 4 **FINAL ORDER.** After Maskelyne and T & S filed timely petitions for administrative review, the Commission entered its Final Order, Order 02 in this proceeding, granting Maskelyne's petition and denying T&S's petition. The Commission reversed the Initial Order's decision as to Maskelyne, as the company had filed its annual report and paid its fees prior to the evidentiary hearing. The Commission upheld the remaining portions of the Initial Order, including cancellation of Barnoli's permit.
- 5 **PETITION FOR RECONSIDERATION.** On March 11, 2010, Barnoli filed a petition for reconsideration requesting the Commission reinstate its household goods permit. The Company owner takes responsibility for failing to file its report and fee, but claims that the owner and the Company have experienced financial hardship due to the recession over the last two years. The owner asserts that he serves his customers well and that they trust him with their possessions. The owner also asserts that the Commission should focus its efforts on unlicensed movers rather than cancelling his permit.
- 6 **COMMISSION DECISION.** As of the February 1, 2010, hearing, Barnoli had not filed its annual report or paid the required regulatory fee.<sup>1</sup> The Commission's records in this proceeding reflect that Barnoli has not yet filed its annual report or paid its outstanding fee.

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<sup>1</sup> Hoyt, TR. 12: 16-21.

- 7 A petition for reconsideration under WAC 480-07-850 seeks to change the outcome with respect to one or more issues decided by a final order, asserting a decision is erroneous or incomplete.<sup>2</sup> A petition for reconsideration must cite to portions of the record and laws or rules for support, and must present brief argument.<sup>3</sup> Barnoli does not claim that the decision in the Final Order to cancel its permit is in error or incomplete. Instead, Barnoli appeals to our sympathies. This is not sufficient to justify reconsidering or changing our decision.
- 8 While we understand the financial situation in which many businesses and individuals find themselves during these difficult economic times, we cannot refrain from enforcing our statutes and rules governing household goods carriers for this reason. While financial hardship may provide a basis for allowing a payment plan for paying a penalty, the Commission takes seriously its role in regulating household goods carriers, and continues to take enforcement action against those carriers who do not comply with statutes and rules, including unlicensed carriers.<sup>4</sup>
- 9 Our action revoking Barnoli's household goods carrier permit does not preclude the Company from reapplying for a permit under RCW 81.80 and WAC 480-15. We encourage the Company to reapply for a permit when its financial situation improves.

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<sup>2</sup> WAC 480-07-850 (1), (2).

<sup>3</sup> WAC 480-07-850 (2).

<sup>4</sup> *WUTC v. Grant E. Farrell, d/b/a, Farrell Moving Company*, Docket TV-091500, Order 02, Initial Order Classifying Activities As Jurisdictional; Requiring Respondent To Cease And Desist From Jurisdictional Activities Without A Permit; Suspending Penalties (Feb. 5, 2010), effective on March 1, 2010, by Notice of Finality; *WUTC v. Boubacar Zida d/b/a Zida Labor and/or Zida Labor Services*, Docket TV-091498, Order 02, Initial Order Classifying Activities As Jurisdictional; Requiring Respondent To Cease And Desist From Jurisdictional Activities Without A Permit; Suspending Penalties (Feb. 9, 2010), effective March 4, 2010, by Notice of Finality; *In re Determining Proper Carrier Classification of and Complaint for penalties against Active Moving Company, Inc., d/b/a Action Moving Co., Inc.*, Docket TV-090408, and *In re Active Moving Company, Inc., for a permit to operate as a motor carrier of household goods*, Docket TV-091641 (Consolidate), Order 03, Initial Order Entering Default Judgment; Denying Request For Leave To Withdraw Application; Denying Application Without Prejudice; Classifying Activities As Jurisdictional; Requiring Respondent To Cease And Desist From Jurisdictional Activities; Assessing Penalties For Conducting Jurisdictional Activities Without Authority (Nov. 24, 2009), effective on December 16, 2009, by Notice of Finality.

**ORDER**

10 THE COMMISSION ORDERS that the petition for reconsideration filed by Barnoli, Inc., of the Final Order, Order 02 in this proceeding, is denied.

DATED at Olympia, Washington, and effective March 25, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**NOTICE TO PARTIES:** This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.